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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,873	01/17/2006	Richard Fargo	OTS166/60469-250	3868
64779 7590 07/31/2009 CARLSON GASKEY & OLDS 400 W MAPLE STE 350 BIRMINGHAM, MI 48009				
EXAMINER				
KRUER, STEFAN				
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
07/31/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**After the Filing of an Appeal Brief**

Application No.

10/564,873

Examiner

Stefan Krueer

Applicant(s)

FARGO ET AL.

Art Unit

3654

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The reply filed 23 July 2009 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The reply filed 23 July 2009 to bring the claims into form in accordance with the Order Remanding Appeal to Examiner filed 9 July 2009, as well as the miscellaneous letter mailed 15 July 2009, is acceptable and is herewith entered. The status of the claims on appeal is as follows: Claims 1 - 12, 17 and 19 are rejected and on appeal.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3654